

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN S. PETERSON AS TRUSTEE ON
BEHALF OF THE BANKRUPTCY
ESTATE OF LESLEE MACDONALD,

Plaintiff,

v.

THE KROGER CO. and FRED MEYER
STORES, INC. dba QUALITY FOOD
CENTERS, INC.,

Defendants.


Case No. 08-05489 RJB

STIPULATED ORDER OF DISMISSAL

Plaintiff John S. Peterson as trustee on behalf of the bankruptcy estate of Leslee MacDonald, by and through his attorneys Mitchell Lang & Smith and Novelle Ballard, and defendants The Kroger Co. and Fred Meyer Stores, Inc. dba Quality Food Centers, Inc., by and through their attorneys Miller Nash LLP and Francis L. Van Dusen, Jr., stipulate to the entry of the subjoined order dismissing all plaintiff's claims against defendants without the award of fees or costs.

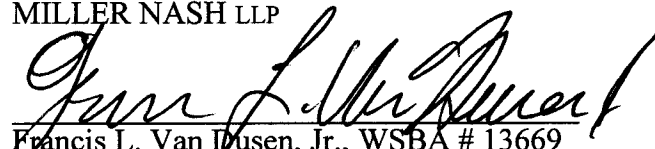
DATED this 22nd day of July, 2009.

MITCHELL LANG & SMITH


Novelle Ballard, WSBA # 18830
1001 4th Ave Ste 3714
Seattle, WA 98154-1107

Attorneys for Plaintiff

MILLER NASH LLP


Francis L. Van Dusen, Jr., WSBA # 13669
4400 Two Union Square, 601 Union Street
Seattle, WA 98101

Attorneys for Defendant

STIPULATED ORDER OF DISMISSAL - 1
CASE NO. 08-05489 RJB

ORDER

Based on the parties' stipulation as described above, it is hereby ORDERED,
ADJUDGED, AND DECREED that:

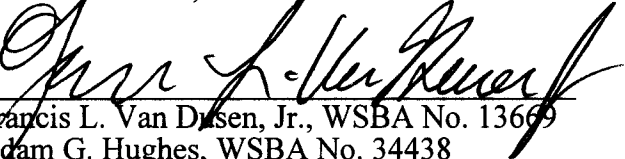
The plaintiff's claims against the above named defendants are hereby dismissed
with prejudice without the award of any fees or costs.

DATED this ____ day of _____, 2009.

Honorable Robert J. Bryan

Presented By:

MILLER NASH, LLP



Francis L. Van Dusen, Jr., WSBA No. 13669
Adam G. Hughes, WSBA No. 34438
4400 Two Union Square, 601 Union Street
Seattle, WA 98101

Attorneys for Defendants

Approved as to Form;
Notice of Presentation Waived:

MITCHELL LANG & SMITH



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Attorneys for Plaintiff